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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

14 In Re Apple and AT&T iPad Unlimited
Data Plan Litigation

Case No. 5:10-cv-02553-RMW

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER ON BRIEFING SCHEDULE**

[N.D. CAL. CIVIL L.R. 6-1(b)]

1 Plaintiffs Adam Weisblatt, Joe Hanna, David Turk and Colette Osetek ("Plaintiffs") and
 2 Defendant AT&T Mobility LLC ("ATTM"), by and through their respective attorneys, hereby
 3 stipulate as follows:

4 WHEREAS, on August 8, 2011, Plaintiffs filed their First Amended Master Consolidated
 5 Complaint ("FAMCC") in the above-captioned case;

6 WHEREAS, pursuant to Rule 15(a)(3) of the Federal Rules of Civil Procedure, ATTM's
 7 response to the FAMCC would be due August 22, 2011;

8 WHEREAS, ATTM anticipates filing a responsive motion to the FAMCC under
 9 Rule 12(b)(6);

10 WHEREAS, ATTM represents that its anticipated Rule 12(b)(6) motion is not made for
 11 the purpose of delay or reasserting arguments that have already been decided by this Court;

12 WHEREAS, a further Case Management Conference is currently scheduled in this case
 13 for October 28, 2011 at 10:30 a.m.;

14 WHEREAS, Plaintiffs and ATTM desire to agree to a briefing schedule for ATTM's
 15 Rule 12(b)(6) motion that extends the time for filing the motion as well as for briefing on the
 16 motion, and which harmonizes the date of the hearing for such motion with the date of the
 17 upcoming further Case Management Conference in this case;

18 WHEREAS, the stipulated briefing schedule will not alter the date of any event or
 19 deadline already fixed by the Court.

20 THEREFORE, Plaintiffs and ATTM STIPULATE as follows:

- 21 1. ATTM's Rule 12(b)(6) motion shall be filed on or before September 7, 2011;
- 22 2. Plaintiffs' opposition brief shall be filed on or before September 30, 2011.
- 23 2. ATTM's reply brief shall be filed on or before October 14, 2011.
- 24 3. Plaintiffs and ATTM request that the hearing on ATTM's Rule 12(b)(6) motion be
 25 scheduled for October 28, 2011 at 9:00 a.m.
- 26 4. Except as set forth above, all Local Rules shall remain in effect with respect to the
 27 briefing. Entering into this stipulation does not constitute a waiver of any defense under Federal
 28 Rule of Civil Procedure 12.

1 IT IS SO STIPULATED.

2 Dated: August 12, 2011

CROWELL & MORING, LLP

3 By: /s/ M. Kay Martin

4 M. Kay Martin
5 Attorneys for Defendant
6 AT&T Mobility LLC

7 Dated: August 12, 2011

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP

8 By: /s/ Roger Heller

9 Roger Heller
10 Attorneys for Plaintiffs

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12 I, M. Kay Martin, am the ECF User whose ID and password are being used to file this
13 Stipulation. In compliance with General Order 45, section X.B., I hereby attest that concurrence
14 in the filing of the document has been obtained from each of the other signatories.
15

16 By: /s/ M. Kay Martin
17 M. Kay Martin

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22 **[PROPOSED] ORDER**

23 Pursuant to Stipulation, SO ORDERED.

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25 Dated:

26 The Honorable Judge Ronald M. Whyte
27 U. S. District Court